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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/795,871	03/08/2004	LeLand D. Curkendall	AgCOOL	2111

54366 7590 08/31/2009

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EXAMINER	
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ART UNIT	PAPER NUMBER
3627	

MAIL DATE	DELIVERY MODE
08/31/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/795,871	CURKENDALL ET AL.	
	Examiner	Art Unit	
	Asfand M. Sheikh	3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 May 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 5/22/2009 have been fully considered but they are not persuasive.

The applicant argues the combination of Pickett in view of Zubeldia and Regnier is based on hindsight. The examiner disagrees. The examiner notes that Pickett is within the same scope as the Applicant's invention as it deals with tracing of an agricultural product. Further the examiner notes Zubeldia and Regnier were used as secondary teaching references that focus on data related activities that require a database and data view which also relate within the same scope of the Applicant's invention. The examiner notes motivation was provided for the combination of Zubeldia and Regnier to Pickett's data storage (see Pickett, FIG. 4). The examiner further notes one of ordinary skill in the art would have had the knowledge to combine the elements of Zubeldia and Regnier to Pickett which would result in a predictable result. Therefore the examiner fines the argument not persuasive.

The applicant argues that the cited references fail to teach or suggest the extraction of the transformational state of a food item. The examiner disagrees. The examiner notes Pickett discloses that corn can have multiple transformational states (e.g. characteristics) (see col. 1,lines 44-61: the examiner notes corn can be classified for high oil corn, high start corn, waxy corn, highly fermentable cord, etc). Further

Pickett discloses that the characteristics of the crop are recorded in the data storage (see at least, col. 16, lines 21-27). The examiner sought to combine Regnier to disclose that a given user can customized views tailored to the user's needs (see at least, abstract) which extract information from a data base. The examiner notes that one of ordinary skill in the art at the time the invention was made would have had the knowledge to modify Pickett's data storage to be able to pull the desired information (e.g. transformational state) from the data storage and present it a customized data view as taught by Regnier. Therefore the examiner fines the argument not persuasive.

The applicant argues that none of the cited references teach or suggest of a label claim or COOL event. The examiner disagrees. The examiner notes Pickett discloses a label claim or COOL event (see at least, FIG. 13). The examiner notes that Pickett discloses a label claim event which is an event in the processing history of the food item component (e.g. CHEMICAL APPLICATION) (see FIG. 13). Further Pickett disclose a COOL event to be the "Load Date Time" which denote Processed/Harvested. Therefore the examiner fines the argument not persuasive.

Official Notice

The examiner notes the Applicant has not traversed the Official Notice taken with respect to the subject matter of claims 3 and 13 which relate to the old and well known idea of decoding an identifier via the use of encryption techniques. Therefore the examiner notes this subject matter is admitted to be known as prior art.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-2, 4, and 5 rejected under 35 U.S.C. 103(a) as being unpatentable over Pickett (US 6,671,698 B2) in view of Zubeldia (US 6,397,224 B1) and Regnier (US 6,134,549 A).

Claims 1, 2, 4, and 5

Pickett discloses trace-back for a food item label claim, the food item comprising at least one food item component, the component associated with a plurality of entities the label claim related to at least label claim event in the processing history of the food item component (see at least, abstract), the method comprising: recording event data in at least one database (see at least, col. 4, lines 29-30: a relational database and col. 6, lines 13-28), the event data comprising a entity identification number for each entity (see at least, FIG. 13: column "Farm Field Task" depicting an entity), a unique identification number for the food item component (see at least, FIG. 13, column “Load Number” or “Lot Number” depicting identity of a food item), at least one label claim event (see at least, FIG. 13: column “Load Date Time” or “Chemical Application” depicting an event), and at least one shipped event and at least one received event (see at least, col. 14, lines 14-67: the movement of the data profile indicates a delivery

to (e.g. sales) and col. 24, lines 1-23: acquisition by is interpreted to be a received event col. 32, lines 40-col. 33, line 50 and FIG 13: the load date time from a particular farm indicates the shipper), such that the shipped event records the shipment of a component from a first entity, and the received event records the receipt of the component at a second entity (see at least, col. 14, lines 14-67: the movement of the data profile indicates a delivery to (e.g. sales) and col. 24, lines 1-23: acquisition by is interpreted to be a received event col. 32, lines 40-col. 33, line 50 and FIG 13: the load date time from a particular farm indicates the shipper).

Pickett fails to disclose the use of a unique private entity identification number for anonymous trace identification for an entity and further extracting at least one data view from the database, the data view comprising for each label claim event: date and time, unique identification number for the component of the food item, the transformational state of the food item, the label claim event identification, an event detail, and a entity public ID, such that the entity public ID can be used to obtain the entity private ID for the entity; and querying the data mart to determine the public ID for an entity; and decoding the public ID to a private ID for the entity.

Zubeldia discloses a unique private entity identification number for anonymous trace identification for an entity and further a entity public ID, such that the entity public ID can be used to obtain the entity private ID for the entity by querying to determine the public ID for an entity and decoding the public ID to a private ID for the entity (see at least, col. 2, lines 25-30: the examiner notes a use of a MPI to allow for anonymous identify of a patient and further patient code is used to track the history of the patient

and **[Claim 4]** further a reverse process of a database is interpreted to be a query that can be used to obtain the private ID (e.g. patient name, etc) from the querying patient code via a database call (e.g. the actual query is also interpreted to be a form of decoding e.g. conversion of binary data stored in a database to form a readable text for output).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Pickett to include a unique private entity identification number for anonymous trace identification for an entity and further a entity public ID, such that the entity public ID can be used to obtain the entity private ID for the entity; and querying to determine the public ID for an entity; and decoding the public ID to a private ID for the entity as taught by Zubeldia. One of ordinary skill in the art would have been motivated to combine the teachings in order to to comply with privacy regulations, without degrading the ability to conduct both horizontal and longitudinal studies, is of critical importance to researchers (see at least, Zubeldia, col. 1, lines 31-36).

Picket in view of Zubeldia fails to disclose further extracting at least one data view from the database, the data view comprising for each label claim event: date and time, unique identification number for the component of the food item, the transformational state of the food item, the label claim event identification, an event detail.

However Regnier discloses the ability to retrieve data from a database using customized views tailored to the user's needs (see at least, abstract) and further **[Claim**

2] Regnier discloses wherein a view can be a data mart (see at least, abstract: the examiner notes a data view from data in the database).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Pickett in view of Zubeldia to include the ability to retrieve data from a database using customized views tailored to the user's needs as taught by Regnier. One of ordinary skill in the art would have been motivated to combine the teachings in order to provide an easily programmable method for generating easily recognizable outputs from a database (see at least, Regnier, col. 2, lines 4-15).

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pickett (US 6,671,698 B2) in view of Zubeldia (US 6,397,224 B1) and Regnier (US 6,134,549 A) as applied to claim 1, above and further in view of Examiner's Official Notice.

Picket in view of Zubeldia and Regnier fails to disclose wherein decoding the public ID to a private ID for the entity is performed with an encryption keyword technique.

The examiner takes Official Notice that it is old and well known in the data arts to have the ability do decode a identifier via the use of encryption techniques (e.g. the ability to use a pass phrase to unlock and via a given set of data). One of orindary skill in the art would have been motivated to combine the element of the Examiner's Official Notice to Picket in view of Zubeldia and Regnier to provide a technique in which only

certain individuals would be able to view a given set of data thereby providing greater security for the given set of data.

Claims 6-12 and 14-20 rejected under 35 U.S.C. 103(a) as being unpatentable over Pickett (US 6,671,698 B2) in view of Thorvaldsson et al. (US 6,546,304 B2) and Zubeldia (US 6,397,224 B1) and Regnier (US 6,134,549 A).

Claim 6, 11-12, 14, 15, and 18-20

The examiner notes the rejection of claim 5 is similar to the rejection of claim 1 above and further the examiner notes:

Pickett is taught to disclose a plurality of COOL events associated with the food item component, the COOL events comprising BORN, RAISED/PRODUCED, and PROCESED/HARVESTED or other phrases used to denote production phases (see at least, FIG. 13: column "Load Date Time" to be a to a term to denote Processed/Harvested).

Further the examiner notes the new reference Thorvaldsosn would be taught to disclose the use of a country code in order to identify where an item has originated from (see at least, col. 3, lines 13-27). The motivation to combine elements of Thorvaldsson to Pickett would allow for analyzing the meat and further identifying meat if an outbreak would occur from a given region (see at least, Thorvaldsson, col. 3, lines 13-27).

Claim 7

Pickett discloses wherein the food item is an edible food article comprising fruits or vegetables, grains or oilseeds, livestock (see at least, FIG. 13).

Claim 8

Pickett in view of Thorvaldsson and Zubeldia and Regnier fails to disclose wherein private identification number is a 16-character alphanumeric that begins with a defined character.

The examiner notes it is obvious matter of design choice on how long an identification number can be (e.g. 16 bit, 32, bit, and 64 bit). The motivation for a given size for an identification number would be for increasing the protection of the identify by having more bits it would be harder to reproduce or crack.

Claims 9-10, 16-17,

Picket discloses wherein the database is at least one transactional event database and a relational database (see at least, FIG. 13)

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pickett (US 6,671,698 B2) in view of Thorvaldsson et al. (US 6,546,304 B2) and Zubeldia (US 6,397,224 B1) and Regnier (US 6,134,549 A) as applied to claim 1, above and further in view of Examiner's Official Notice.

Picket in view of Thorvaldsson and Zubeldia and Regnier fails to disclose wherein decoding the public ID to a private ID for the entity is performed with an encryption keyword technique.

The examiner takes Official Notice that it is old and well known in the data arts to have the ability do decode a identifier via the use of encryption techniques (e.g. the ability to use a pass phrase to unlock and via a given set of data). One of orindary skill in the art would have been motivated to combine the element of the Examiner's Official Notice to Picket in view of Thorvaldsson and Zubeldia and Regnier to provide a technique in which only certain individuals would be able to view a given set of data thereby providing greater security for the given set of data.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asfand M. Sheikh whose telephone number is (571)272-1466. The examiner can normally be reached on 9a-5p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan M. Zeender can be reached on (571)272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Asfand M. Sheikh/
Examiner, Art Unit 3627
8/28/2009

/F. Ryan Zeender/

Supervisory Patent Examiner, Art Unit 3627